

REMARKS

Claims 19, 21, 24, 25, 29, and 30 are pending in the application. Claim 21 has been cancelled, without prejudice.

Claim 29 has been amended to correct a typographical error related to antecedent basis. No new matter is incorporated by this amendment.

Claims 19 and 30 have been amended to incorporate a Markush group reciting the types of catalysts which one may use as an agent for incorporation into the control means. No new matter is added by this amendment. Support for the amendment to claim 19 and 30 is found in the Specification at least at page 7, lines 20-6 to page 8, lines 1-3.

As a threshold matter, the applicants would like to thank Examiner Padmanabhan and Examiner Chen for conducting an in-person interview with the applicants' representatives Mr. Uda of Matsushita Electrical Industrial Co. and Mr. William Schwarze and Ms. Kristyne Bullock of Akin Gump Strauss Hauer & Feld on April 8, 2003. In the interview, the prior art cited in the previous Office Action (Paper No. 20) was discussed. The Examiner stated that, in order to overcome Obata, the applicants may include elements related to the physical structure of the biosensor or which specify the nature of the catalyst to be used in the sample solution treating instrument control means. The Examiner also indicated that, in view of the prior response filed by applicants on February 24, 2003, the reference of Blatt was overcome. This information is memorialized in the interview summary (Form PTOL-413) provided by the Examiner to the applicants' representative on April 8, 2003.

Obata

In Paper No. 20, the Examiner maintained the rejection of claims 19, 21, 24, and 25 under 35 U.S.C. § 102(b), contending that the claims are anticipated by United States Patent No. 5,571,419 of Obata, et al. ("Obata"). The Examiner asserted that Obata disclosed a method and apparatus for producing pure water in which raw water is introduced into filtration units through a pipe, and, after cation exchange, is supplied to an acidic softened water tank and stored. According to the Examiner, it is "inherent" that the pH of raw water is altered in some way in this tank. The Examiner further states that at the end of the Obata process, the now pure water is released. The Examiner believes that "since well water and tap water can be filtered using the apparatus of the reference, it is inherent that the purified water sample is fit for human

consumption in some fashion. Since a person tasting water is interpreted as a biosensor analyzing a sample, the claim limitations are met.” The applicants respectfully traverse this rejection for the reasons set forth below and the reasons provided in the response filed February 24, 2003, the contents of which are incorporated herein by reference.

Obata teaches a method of producing pure water from urea-containing waste water. In the Obata method, the raw waste water is sequentially introduced into a filtration tank, a cation exchange tower, and an acidic softened water tank, a heat exchanger, a heater, a reaction vessel, a decarbonation tower, an ionic exchange tower, and a reverse osmosis membrane unit, after which primary pure water is produced. Obata teaches that, once the water has been placed in the acidic softened water tank, it is tested, and if its pH is other than 3.0, the pH is adjusted using H_2O_2 . See Col. 7, line 3. In the reaction vessel, any urea present in the water is decomposed via a thermal decomposition process which uses a platinum catalyst held by a carrier. Col. 7, line 5. Obata does not disclose consumption of water by humans, nor is there a disclosure of interference of urea in any “measurement results” allegedly obtained by a human biosensor.

Obata does not anticipate claims of the invention. The invention is a sample solution treating instrument including a control means for converting a sample solution to a condition for analysis by a biosensor that electrochemically measures a specific component in the sample solution. The control means comprises an agent that may be a catalyst that converts an interfering substance in the sample solution to a harmless substance having no adverse affect on a measurement result of a specific component obtained by analysis with a biosensor. The claims recite that this catalyst may be an enzyme or it may be a metal oxide. The catalyst disclosed in Obata is a platinum catalyst that catalyzes the thermal decomposition of urea; it is not the catalyst of the invention.

Accordingly, for at least these reasons, and the reasons provided in the response filed February 24, 2003, the claims of the present invention are not anticipated under 35 U.S.C. § 102 by the disclosure of Obata. The applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Blatt

In Paper No. 20, the Examiner maintained the rejection of claims 19, 25, and 29 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,945,345 of Blatt, et al.

("Blatt"). However, in the interview conducted on April 8, 2003 the Examiner indicated and stated in writing that in view of the response filed February 24, 2003, the rejection related to Blatt had been overcome. Accordingly, the applicants will provide no further discussion of Blatt in this response, and request that the Examiner withdraw the rejection based upon Blatt in the next Office Action.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the Examiner's rejections relating to claims 19, 24, 25, 29, and 30 have been overcome. Accordingly, reconsideration and allowance of the claims at the earliest opportunity is earnestly solicited.

Should the Examiner have any further comments or questions, he is respectfully requested to contact the undersigned by telephone or email.

Respectfully submitted,

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DATE

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